

106 Finn Alley

1-16-18 minutes  
COA's

request is filed by Richard Wichman. The owners of record are Marie and Richard Wichman.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
9. Any signs must comply with Sitka General Code 22.20.090.
10. A detailed rental overview shall be provided to renters detailing directions to the unit, appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.
11. Because of the reduced setback and since the rental unit is located on the northwesterly side of the property, foliage or fence buffering along the property line with 1972 Halibut Point Road shall remain in place for the duration of the conditional use permit.
12. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
13. The carport encroaching on 1952 Halibut Point Road shall be removed upon the request of the owner of 1952 HPR or upon sale of either property. Costs will be borne by the owner of 1960 HPR.
13. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.

Motion passed 4-0.

L CUP 18-03

Public hearing and consideration of a conditional use permit for the short-term rental of two units in a three unit residential structure at 106 Finn Alley. The property also known as a tract of land in Lot 20, Block 13, US Survey 1474. The request is filed by Brendan Jones and Rachel DiNardo. The owners of record are Brendan Jones and Rachel DiNardo.

Staff passed out public comment. Scarcelli stated that staff are exploring requiring

written comment by a certain deadline in order to be included on the record.

BREAK 8:20-8:27 PM

Pierson described the request. The applicants live in one unit and wish to rent out the other two. All three units are connected internally by hallways and the basement. Both proposed rental units are two bedrooms and one bath apiece. Possible impacts include noise, trash, and traffic. Finn Alley and Barlow Street are narrow one-way streets, but are clearly marked at their intersections with Lincoln Street. Because of this location, many renters may forego car rentals. Sufficient parking exists onsite. The triplex is non-conforming in the R-1 zone. The proposal removes two long-term rentals from the market, possibly impacting long-term rental rates for the community. The owners live on-site, and a renter information guide has been submitted. Scarcelli outlined the applicants' history of short-term rentals with the boat, Adak. Scarcelli urged commissioners to determine which neighbor concerns are germane to the request and which are not. Windsor asked when nonconforming uses can be brought into conformity. Scarcelli stated that the conditional use permit process is an opportunity for addressing non-conformities. Scarcelli stated that there are many non-conformities in Sitka.

Rachel DiNardo Jones and Brendan Jones represented their request. R. Jones stated that this is their long-term home, and rental income makes it affordable. R. Jones stated that internal doors can be opened when family visit, but the internal doors aren't conducive to long-term rentals. R. Jones discussed their rental on the Adak, and stated that short-term rentals are funding renovations. R. Jones stated that money coming in is going to local businesses providing renovation services. R. Jones stated that their experience has been that 1 in 5 of their renters rent cars, which would result in less traffic than long-term renters. R. Jones is considering limiting cars for short-term renters to 1 car per unit. Scarcelli asked if the Joneses have seen rental groups renting more than one car, and they stated no. B. Jones stated that they are also concerned for neighborhood fabric and traffic, as they are raising their kids at the property. Windsor asked if they would consider reducing the proposal to one short-term rental. B. Jones stated that two short-term rentals are important to making their plan work, and they eventually would like to have the entire unit to themselves.

Mike Trainor lives at 105 Barlow Street, and welcomed the Joneses to the neighborhood. Trainor stated that the property has historically been quiet, and he's concerned for noise generated by festive vacationers. Trainor stated that the streets are one-way, but his primary concern is for noise.

Phillip Wyman welcomed the Joneses to the neighborhood. Wyman stated that nearby Kingfisher Charters generates traffic and noise, and he does not want to see a precedent set by approving more vacation rentals. Wyman stated that the city hasn't granted a permit to correct the triplex. Wyman does not support the commercial use of the property. Wyman wants a condition of approval included to require that the owners live on-site.

B. Jones stated that he understands the concerns with Kingfisher and is committed to maintaining neighborhood harmony.

Pierson cited five emails submitted by Jaye Forst, Amy Johnson, Rebecca Poulson, Ron Lessard, and Stan Johnson as having concerns for noise, traffic, and neighborhood character.

Scarcelli recommended postponing the decision to clearly grant a non-conforming use permit for the triplex. Hughey stated agreement with a condition of approval requiring owner occupation.

R. Jones clarified that duplexes are permitted in the zone, and Scarcelli stated that they are. R. Jones discussed internal connection. Scarcelli stated that he now views the property as a duplex as long as there is internal connection.

Parmelee stated concern for the cost of housing, and this proposal makes the home affordable for the owners. Parmelee stated his experience that short-term rentals in his neighborhood result in less traffic and noise than long-term rentals. Parmelee stated that he does not anticipate much impact on traffic. Parmelee discussed the idea of a review period. Hughey stated agreement with Parmelee's sentiments, and stated that a short-term rental in his neighborhood has had negligible impacts. Windsor asked about the difference between bed and breakfast operations and short-term rentals. Scarcelli explained the difference. Colvin stated that this is a great proposal and it's what Sitka needs. Colvin doesn't see how many of the neighbors' concerns are tied to the proposal, as the neighborhood is already busy due to its nature. Knox stated interest in seeing short-term rental density maps. Knox stated that the commission should consider the loss of long-term rental units. Scarcelli stated that it would be helpful to have permits for all short-term rental long-term rentals in order to better track units, and this should be a future project. Pierson stated that there are no short-term rentals on Finn Alley or nearby on Lincoln Street.

Richard Wein stated interest in making a public comment between the motion for findings and motion for approval. Wein stated confusion that internal egress makes the property a duplex, and stated concern that other entities will use this tactic as a workaround. Windsor stated that we're setting precedence and Wein agreed. Wein stated that Scarcelli is a trained attorney and he surely knows about splitting hairs. Parmelee stated that the door has historically been there and hasn't been used as a workaround. Scarcelli stated that in this case, staff needs to address these issues in the public notice and staff report, and clarified that he is not a licensed attorney. Scarcelli stated that we need to have some flexibility with the unique properties we find in Sitka.

**Hughey/Parmelee moved to adopt and approve the required findings for conditional use permits as discussed in the staff report.**

- 1. ...The granting of the proposed conditional use permit will not:**
  - a. Be detrimental to the public health, safety, and general welfare specifically, the property provides the required parking spaces and garbage will be managed so as not to create bear concerns;**
  - b. Adversely affect the established character of the surrounding vicinity specifically, onsite owners can monitor for concerns; nor**
  - c. Be injurious to the uses, property, or improvements adjacent to, and in the vicinity of, the site upon which the proposed use is to be located, specifically, the property is required to meet municipal requirements for utilities, garbage collection, and provision of appropriate parking;**
- 2. The granting of the proposed conditional use permit is consistent and compatible with the intent of the goals, objectives, and policies of the comprehensive plan and any implementing regulation, specifically, conforms to Comprehensive Plan Section 2.2.1 which emphasizes supporting "economic activities which contribute to a stable, long-term, local economic base" by allowing local homeowners to launch a small business and participate in the tourism industry and Section 2.6.2(K), which supports "development of facilities to accommodate visitors" that do not negatively impact surrounding residential**

neighborhoods, by operating a short-term rental with requirements to mitigate concerns for traffic, odors, and noise;

3. All conditions necessary to lessen any impacts of the proposed use are conditions that can be monitored and enforced, specifically, that on-site owners can monitor for concerns and the provision of a detailed rental overview can address potential areas of concern as soon as the tenant arrives to the property.

Motion passed 4-0.

Hughey/Parmelee moved to approve the conditional use permit application for a two-unit short term rental in a duplex at 106 Finn Alley subject to the attached conditions of approval. The property is also known as a Tract of Land in Lot 20 Block 13 US Survey 1474. The request is filed by Brendan and Rachel Jones. The owners of record are Brendan Jones and Rachel DiNardo.

Conditions of Approval:

1. Contingent upon a completed satisfactory life safety inspection.
2. The facility shall be operated consistent with the application, narrative, and plans that were submitted with the request.
3. The applicant shall submit an annual report every year, covering the information on the form prepared by the Municipality, summarizing the number of nights the facility has been rented over the twelve month period starting with the date the facility has begun operation, bed tax remitted, any violations, concerns, and solutions implemented. The report is due within thirty days following the end of the reporting period.
4. The Planning Commission, at its discretion, may schedule a public hearing at any time for the purpose of resolving issues with the request and mitigating adverse impacts on nearby properties upon receipt of meritorious complaint or evidence of violation of conditions of approval.
5. Failure to comply with all applicable tax laws, including but not limited to remittance of all sales and bed tax, shall be grounds for revocation of the conditional use permit.
6. The property owner shall register for a sales account prior to the Conditional Use Permit becoming valid.
7. To mitigate against the risk and impact of bears from the short term rental, the property owner shall assure all trash is deposited in trash receptacles that are stored in bear proof areas (whether enclosed garage or other bear proof area) and only placed on street for collection after 4 AM on trash collection day. Should this condition not be followed the CUP shall be revoked.
8. To mitigate against parking and traffic impacts, property owner shall provide detailed parking and traffic rules, and shall ensure all parking for all uses (residential or short-term rental) shall occur off-street, on-site, and further that should on-street parking occur at any time, the conditional use permit shall be revoked.
9. The property owner shall communicate to renters that a violation of these conditions of approval will be grounds for eviction of the short-term renters.
10. Any signs must comply with Sitka General Code 22.20.090.
11. A detailed rental overview shall be provided to renters detailing appropriate access, parking, trash management, noise control, and a general admonition to respect the surrounding residential neighborhood.
12. Failure to comply with any of the above conditions may result in revocation of the conditional use permit.
13. The property shall be owner-occupied while the conditional use permit is active.
14. A review shall be held at the end of summer 2018 to address any meritorious concerns.

4-0.  
Masse